

**Introduced by Senator Runner**February 23, 2012

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An act to amend Section 186.30 of the Penal Code, relating to criminal street gangs.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1307, as introduced, Runner. Criminal street gangs: registration.

Existing law, as added by Proposition 21, approved by the voters at the March 7, 2000, statewide primary election, requires persons convicted of street gang crimes to register with the chief of police or the sheriff, as applicable, regarding residence, within 10 days of release from custody or within 10 days of arrival, as specified. Existing law provides that these provisions may be amended by a  $\frac{2}{3}$  vote of each house of the Legislature.

This bill would also require the person to register annually, and upon changing his or her residence. The bill would make a violation of the provisions requiring registration a misdemeanor.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 186.30 of the Penal Code is amended to read:

186.30. (a) Any person described in subdivision (b) shall register with the chief of police of the city in which he or she resides, or the sheriff of the county if he or she resides in an unincorporated area, within 10 days of release from custody or within 10 days of his or her arrival in any city, county, or city and county to reside there, whichever occurs first. *The person shall register each year thereafter, and shall also register upon changing his or her residence.*

(b) Subdivision (a) shall apply to any person convicted in a criminal court or who has had a petition sustained in a juvenile court in this state for any of the following offenses:

(1) Subdivision (a) of Section 186.22.

(2) Any crime where the enhancement specified in subdivision (b) of Section 186.22 is found to be true.

(3) Any crime that the court finds is gang related at the time of sentencing or disposition.

*(c) A violation of this section is a misdemeanor.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.